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09/921,986	08/03/2001	Bruce A. Epstein	2386/102	6869

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EXAMINER

TRUONG, CAM Y T

ART UNIT PAPER NUMBER

2162

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/921,986

**Applicant(s)**

EPSTEIN, BRUCE A.

**Examiner**

Cam Y T Truong

**Art Unit**

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-- **Th MAILING DATE of this communication appears on the cov r sheet with th correspond nce address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-12 and 15-22 are pending in this Office Action.

The Final Office Action on 6/17/2004 is now withdrawn. The office regrets for any inconvenience due to the applicants.

Applicant's arguments filed 8/19/2004 have been fully considered but they are not persuasive.

In response to applicant's arguments, the recitation a collaborative information has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In addition, applicant argued that neither Gross and Aycock uses metadata to assess the reliability of the data and the contributors of the data. Aycock teaches the supplier evaluation system that comprises a product database 66. This database identifies product performance and reliability for existing products supplied by existing and prior vendors. For example, in the field of telecommunications, the product database may include a data record for a digital switch manufactured by an approved vendor. Such a record would include a vendor identification, the model number of the digital switch, and an evaluation of the product conformance to technical specifications, and an

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evaluation of the product reliability. Thus, while the vendor database 64 evaluates performance and quality maturity from the perspective of the vendor generally, the product database 66 enables specific evaluation of products supplied by existing and prior vendors. Thus, the product database 66 enables a competitive analysis of all vendors that produce a selected switch to determine the respective performance of the vendors. Alternatively, the performance evaluation of all products from a selected vendor may be correlated in order to gain an overall assessment of the selected vendor based on all prior products supplied by that vendor. Further, the product database 66 may include additional fields related to the technical or fiscal parameters of the product. The product database 66 may store information related to various types of products, such as hardware products, software, central office equipment, customer premises equipment, or other specialized equipment.

In addition, the supplier interface may allow a supplier to selectively access the databases of the supplier evaluation system 60 in order to receive information on existing vendor performance reports or product updates (col. 9, lines 59-67; col. 10, lines 1-17; col. 10, lines 63-66). Metadata means data about data (Computer Dictionary, page 305, lines 34-35). Since a record is used to describe a product of a vendor. Thus, a record in database 66 is represented as metadata of a product of a vendor. When a supplier accesses to this database, the supplier receives records about products and the supplier will evaluate products based on records of the products.

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For the above reason, examiner believed that rejection of the last office action was proper.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US 2002/0004735) in view of Aycock et al (or hereinafter "Aycock") (USP 5765138).

As to claim 1, Gross teaches the claimed limitations:

"a metadata-enhanced database (metabase) for recording data and related metadata providing details about the data and contributors of the data" as vendor/product database 200 is used to storing attributes of products and products. Metadata is defined as title, subject, date, size, and author of a file. Thus, attributes such as product ID, vendor ID, product name are presented as metadata. Since Vendor/product database stores attributes of products, thus, the vendor/product

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database is represented as a metadata-enhanced database. The attributes of products are represented as related metadata (page 7, col. Right, lines 30-56).

Gross does not explicitly teach the claimed limitation "metadata enabling a metabase user to assess the reliability of the data and the contributors of the data". However, Gross teaches the vendor interface module 210 may request a user name and password from a party seeking access to the vendor/product database. Since this database stores attributes of products and products, thus when a user accesses the database 200, the user can access to products and attributes of products (figs.3A-3N, page 4, lines 57-58). Aycock teaches the supplier evaluation system that comprises a product database 66. This database identifies product performance and reliability for existing products supplied by existing and prior vendors. For example, in the field of telecommunications, the product database may include a data record for a digital switch manufactured by an approved vendor. Such a record would include a vendor identification, the model number of the digital switch, and an evaluation of the product conformance to technical specifications, and an evaluation of the product reliability. Thus, while the vendor database 64 evaluates performance and quality maturity from the perspective of the vendor generally, the product database 66 enables specific evaluation of products supplied by existing and prior vendors. Thus, the product database 66 enables a competitive analysis of all vendors that produce a selected switch to determine the respective performance of the vendors. Alternatively, the performance evaluation of all products from a selected vendor may be correlated in order to gain an overall assessment of the selected vendor based on all prior products

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supplied by that vendor. Further, the product database 66 may include additional fields related to the technical or fiscal parameters of the product. The product database 66 may store information related to various types of products, such as hardware products, software, central office equipment, customer premises equipment, or other specialized equipment. In addition, the supplier interface may allow a supplier to selectively access the databases of the supplier evaluation system 60 in order to receive information on existing vendor performance reports or product updates (col. 9, lines 59-67; col. 10, lines 1-17; col. 10, lines 63)

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aycock's teaching to Gross's system in order to allow users to buy any high quality products via Internet.

As to claim 2, Gross discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the reliability of the data is assessed by evaluating the reliability of its contributors and the reliability of the contributors is assessed by evaluating the reliability of the data". Aycock teaches accessing performance and reliability of products in database 66 (col. 9, lines 60-65; col. 10, lines 20-30).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aycock's teaching of accessing performance and reliability of products in database 66 to Gross's system in order to allow users to buy any high quality products via Internet.

As to claim 3, Gross teaches the claimed limitation “wherein the metabase is populated and maintained by the metabase users” as updating the information in the vendor/product database (page 4, col. Right, lines 22-30).

As to claim 4, Gross teaches the claimed limitation “automated versioning means for tracking and maintaining a history of each datum recorded in the metabase” as the tracking module 220 tracks and updates history database 215 (page 6, col. Right, lines 30-48).

As to claim 6, Gross teaches the claimed limitation “information gathering means for obtaining information from various sources” as vendor/product database obtains information from various vendors (figs. 1-3N).

As to claim 7, Gross does not explicitly teach the claimed limitation “wherein the metabase comprises reliability assessment means for assessing the reliability of the data and the metabase users”. Aycock teaches accessing performance and reliability of products of vendors in database 66 (col. 9, lines 60-65; col. 10, lines 20-30).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aycock’s teaching of accessing performance and reliability of products in database 66 to Gross’s system in order to allow users to buy any high qualify products via Internet.



As to claim 8, Gross teaches the claimed limitation “automated help means for resolving metabase user queries” as once a consumer has identified a particular product or service , the computer system displays to the consumer a list of offerings from a plurality on-line vendors. This information shows the system automatically resolve user’s queries to display the result to a user (page 4, lines 50-67).

As to claim 9, Gross teaches the claimed limitation “customizable retrieval means for enabling a metabase user to specify various criteria for retrieving data” as a user can select any price range to search and the system will return a result based on user’s request (figs. 4-5).

As to claim 10, Gross teaches the claimed limitation “user identification information; user personal information; user performance information; information characterization information; contributor information; source (citation) information; feedback information; implicit information; historical information; user rankings obtained from one or more ranking authorities; opinion information from contributors and users of the data regarding the reliability of the data and the users; and solicited information regarding the reliability of the data and the users” as vendor ID is represented as user identification information (fig. 3D).

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As to claim 11, Gross teaches the claimed limitation "browser means for interacting with web-based entities" as a user interact with the websites of the on-line vendors (figs. 4-5).

As to claim 19, Gross teaches the claimed limitation "wherein a metabase user is permitted to create a new metabase" as (page 4, col. Right, lines 50-67).

As to claim 20, Gross teaches the claimed limitation "wherein the metadata includes information regarding a contributor or data contributed by the contributor, the information provided explicitly by the contributor or obtained implicitly by the metabase" as (page 6, col. Left, lines 36-67, figs. 3A-3R).

As to claim 22, Gross teaches the claimed limitation "wherein the metabase includes metabase structures including tables and fields within the tables" as (figs. 3A-3R).

4. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US 2002/0004735) in view of Aycock et al (or hereinafter "Aycock") (USP 5765138) and further in view of Reilly (USP 6427164).

As to claim 5, Gross discloses the claimed limitation subject matter in claim 1, except the claimed limitation "notification means for notifying interested metabase users regarding changes to metabase contents". Reilly teaches the sending user is notified as to the new electronic email address so as (col. 3, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Reilly's teaching of the sending user is notified as to the new electronic email address to Gross's system in order to allow the sending user to update automatically.

As to claim 12, Gross teaches the claimed limitations:

"wherein the metabase uses an editable data markup language for creating and using the metabase, wherein the editable data markup language comprises: means for defining metabase structures" as the web documents are encoded using HTML. The system create vendor/product database which store information about products and services directly (page 4, col. Right, lines 49-67; page 3, col. Left, lines 50-60);

"means for editing metabase structures" as updating database (page 4, col. Left, lines 23-30);

"means for contributing information to metabase structures" as database 200 contains products and attributes of products (page 7, col. Right, lines 50-55, fig. 3J);

"means for retrieving information from the metabase structures" retrieving products from database 200 (figs. 4-5);

"means for combining data from multiple metabases" as receiving all information from vendors and storing in database 200 (page 4, lines 20-60).

Gross does not explicitly teach the claimed limitation "means for automatically updating one metabase from another metabase". Reilly teaches automatically

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updating the user's individual database when receiving new electronic mail address from another database at server (col. 3, lines 1-10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Reilly's teaching of automatically updating the user's individual database when receiving new electronic mail address from another database at server to Gross's system in order to eliminate user's interact.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US 2002/0004735) in view of Aycock et al (or hereinafter "Aycock") (USP 5765138) and further in view of Szlam et al (or hereinafter "Szlam") (USP 6362838) and Neubauer et al (or hereinafter "Neubauer") (USP 6148308).

As to claim 15, Gross and Aycock disclose the claimed limitation subject matter in claim 1, except the claimed limitation "wherein a metabase user is permitted to modify data contributed by another metabase user, wherein the history includes the original data and metadata identifying details about the modified data and its contributor". Szlam teaches by opening an object or selecting that graphical object for editing, the user can view and modify the attributes for that screen object (col. 13, lines 20-22). Neubauer teaches the history record that contains previous version and modified previous version (col. 4, lines 40-65; fig. 5)

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Szlam's teaching of by opening an object or selecting that graphical object for editing, the user can view and modify the attributes for that

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screen object and Neubauer's teaching of the history record that contains previous version and modified previous version to Gross and Aycock in order to consolidate various types of information from multiple sources into a single, coherent presentation and save memory space for storing a new information of a field and to monitor a record file.

6. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US 2002/0004735) in view of Aycock et al (or hereinafter "Aycock") (USP 5765138) and further in view of Szlam.

As to claim 16, Gross and Aycock disclose the claimed limitation subject matter in claim 1, except the claimed limitation "wherein a metabase user is permitted to modify metabase structures defined by the metabase user or another metabase user".

Szlam teaches the user specifies that a change is to be made to the address data entry field 36, which causes a dialog box to appear, or by pulling down a menu, selecting edit, or by pressing a button 21, and then selecting the data entry field (col. 14, lines 60-67).

It would have been obvious to a person of an ordinary skill in the invention was made to apply Szlam's teaching of the user specifies that a change is to be made to the address data entry field 36, which causes a dialog box to appear, or by pulling down a menu, selecting edit, or by pressing a button 21, and then selecting the data

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entry field to Gross and Aycock in order to provide a new information for each record field following user's desire.

As to claim 17, Gross and Aycock disclose the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the metabase user is permitted to create a new data field in the metabase". Szlam teaches a user is permitted to create another field of a record (fig. 2A-2G).

It would have been obvious to a person of an ordinary skill in the invention was made to apply Szlam's teaching of permitting a user to create field 36 of a record to Gross and Aycock to monitor a record in a database.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US 2002/0004735) in view of Aycock et al (or hereinafter "Aycock") (USP 5765138) and further in view of Szlam and Crim (US 2002/0152189 A1).

As to claim 18, Gross and Aycock disclose the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the metabase user is permitted to delete an existing data field from the metabase". CRIM teaches user can delete a field of a record (fig. 7, page 4, col. Right, lines 1-20).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply CRIM's teaching deleting a field of a record to Gross and Aycock to display a record in attractive format following user's desiser.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US 2002/0004735) in view of Aycock et al (or hereinafter "Aycock") (USP 5765138) and further in view of Lang et al (or hereinafter "Lang") (USP 6314420).

As to claim 21, Gross and Aycock disclose the claimed limitation subject matter in claim 1, except the claimed limitation "a ranking authority for generating a user ranking representing the reliability of a contributor, the ranking authority evaluating the reliability of the contributor based upon metadata relating to the contributor's contributions to the metabase according to criteria provided by a metabase user". Gross teaches as vendor/product database 200 is used to storing attributes of products and products. Metadata is defined as title, subject, date, size, and author of a file. Thus, attributes such as product ID, vendor ID, product name are presented as metadata. Since Vendor/product database stores attributes of products, thus, the vendor/product database is represented as a metadata-enhanced database. The attributes of products are represented as related metadata (page 7, col. Right, lines 30-56). Aycock teaches accessing performance and reliability of products in database 66 (col. 9, lines 60-65; col. 10, lines 20-30). Lang teaches users can sort documents which they have read from best to worst (col. 24, lines 50-55).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Lang's teaching of users can sort documents to Gross and Aycock in order to indicate how good quality of a document or a product.

### ***Conclusion***

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure  
Shaw (US 6101479).



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**Contact Information**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cam-Y Truong  
Patent Examiner  
Art Unit 2162  
11/3/2004

  
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PRIMARY EXAMINER